

FORM FOR USE IN APPLICATIONS

FOR MOTIONS UNDER 28 U.S.C. § 2241

Clifton Thompson Beyomy 10-cv-975

Name

ID# 0233000

Prison Number

FCI Schuylkill, P.O. Box #759, Minersville, Pa., 17954-0759

Place of Confinement

United States District Court District  
For the Middle District of Pennsylvania

Case No. \_\_\_\_\_

(To be supplied by Clerk of U.S. District Court)

T.R. Sniezek  
, WARDEN,  
Respondent, ET AL.

v.

Clifton Thompson Beyomy  
(Full name of movant)

FILED  
SCRANTON

MAY 06 2010

KW  
PER \_\_\_\_\_  
DEPUTY CLERK

(If movant has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion in the federal court which entered the judgment.)

## MOTION

1. Name and location of court which entered the judgment of conviction under attack U.S. District Court.

2 Date of judgment of conviction Oct. 17, 2006

3. Length of sentence four (4) years

Sentencing Judge

4. Nature of offense or offenses for which you were convicted:

Distribution of Heroin

5. What was your plea? (Check One)

(a) Not guilty ()

(b) Guilty ()

(c) Nolo contendre ()

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

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6. Kind of trial: (check one)

(a) Jury ()

(b) Judge only

7. Did you testify at the trial? Yes () No ()

8. Did you appeal from the judgment of conviction?  
Yes () No ()

9. If you did appeal, answer the following:

(a) Name of the court D.C. Court of Appeals

(b) Result Affirmed

(c) Date of result Sept. 2009

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court? Yes ( ) No ()

11. If your answer to 10 was "yes", give the following information:

(a) (1) Name of court \_\_\_\_\_  
(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
Yes ( ) No ( )

(5) Result \_\_\_\_\_  
(6) Date of result \_\_\_\_\_

(b) As to any second petition, application or motion, give the same information:

(1) Name of court \_\_\_\_\_  
(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
Yes ( ) No ( )

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) As to any third petition, application or motion, give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding Disciplinary Report #1897664  
DHO officer K. Butterfield 8/25/09 decision

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ( ) No ( )

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(d) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

- (1) First petition, etc. Yes ( ) No ( )
- (2) Second petition, etc. Yes ( ) No ( )
- (3) Third petition, etc. Yes ( ) No ( )

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

This "action extends from a disciplinary Report #1897664, and Appeal to the Regional office #555733-R1" to the Central office and now to the Honorable Court for review and consideration of [REDACTED] the loss [REDACTED] and the privileges back.

DHO violations of due process clause's and procedural defects [REDACTED] IN #3B, cell #21, the mis-informat [REDACTED] on caused the violations of Mr. Thompson Bey's due process rights. and this Honorable Court should determine the facts and grant Mr. Thompson Bey, relief, and this writer is Indigent

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

If you select one or more of these grounds for relief, you must allege facts in support of the ground or grounds which you choose. Do not check any of the grounds listed below. The motion will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (f) Conviction obtained by a violation of the protection against double jeopardy.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

NOTE: If Movant asserts denial of effective assistance of counsel (ground "I"), he must describe with particularly the factual basis for his claim (e.g. ~~lawyer failed to raise insanity defense~~), and he must describe the prejudice allegedly suffered as a result of the denial of effective assistance of counsel (e.g., convicted of crime that Movant lacked the mental capacity to commit).

A. Ground One: The DHO officer K. Bittenbender on Aug. 25, 2009 violated numerous Constitutional Rights and equal protection process.

Supporting FACTS (tell your story briefly without citing cases or law): The DHO Bittenbender violated this writer's rights under the fifth and fourteenth amendment of the U.S. Constitution according to [REDACTED]

when the facts finding procedures employed were not supported by any physical evidence,

The only evidence used to adjudicate this writer was a memorandum given to SIS from the person whom committed the act, also an injury assessment report that indicated that the other person involved in the altercation which

which had and was treated for injuries.

[REDACTED] had no participated in the incident and the DHO Bittenbender didn't take any of this into consideration nor was the [REDACTED]

[REDACTED] it wasn't sufficient enough evidence to warrant a finding of guilt.

Ground Two:

DHO officer SANCTIONS was excessive & harsh when

Supporting FACTS (tell your story briefly without citing cases or law): imposing punishment for alleged alter

cation, the SANCTIONS are as follows:

C.

Ground Three: The sanctions a total of 53 days loss of good time, 30 days Segregation, disciplinary transfer, a loss of

Supporting FACTS (tell your story briefly without citing cases or law): everything around the board, no factual

evidence was taken into consideration by the DHO which violates Mr. Thompson Bey's "liberty interest" and is requesting that his "good time" be reinstated.

D.

Ground Four:

Supporting FACTS (tell your story briefly without citing cases or law): U.S. Constitution under the "Due Process

clause, the hearing officer is using inconsistent statements that wasn't contained at the hearing to support his finding. there's no way without the (tape) of the proceedings to refute what was said and done during the hearing on Aug 25, 2009, only the fact that his version of the events which is being UN-contradicted without the recording of these proceeding.

Testimony's) The statement (Waived staff representation and witness 111ard# 12288-067 and [REDACTED] is Not supported the following statement, includes inmate

this is clearly violates the Due process clause.

For the foregoing reasons, Mailed To Person Requesting  
that this Honorable Court reinstate the "Good Time" that was  
taken illegally, and request the [REDACTED]

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give you reasons for not presenting them:

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14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?  
Yes ( ) No (✓)

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing \_\_\_\_\_  
(b) At arraignment and plea \_\_\_\_\_  
(c) At trial \_\_\_\_\_  
(d) At sentencing \_\_\_\_\_  
(e) On appeal \_\_\_\_\_  
(f) In any post-conviction proceeding \_\_\_\_\_  
(g) On appeal from any adverse ruling in a post-conviction Proceeding \_\_\_\_\_

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ( ) No ( )

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ( ) No ( )

- (a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_  
(b) And give date and length of sentence to be served in future: \_\_\_\_\_

Disciplinary Action and Appeal,

- (c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes  No

Wherefore, movant prays that the court grant him all relief to which he may be entitled in this proceeding. ~~and to proceed in this matter, because he is indigent and he makes \$10.00 a month and must care for his health needs with that money.~~

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

4/26/10

(Date)

Regamy

Signature of Movant

M. Thompson Regamy  
I declare that I have no money at all. and the Counselor have signed with her mark and seal.

NAME M TITLE 4-RE-20

AUTHORIZED BY THE ACT OF JULY 7, 1865 TO  
ADMINISTER OATHS (18 U.S.C. 4004).

CERTIFICATE OF MAILING

I, Clifford Thompson Bejatmy, under penalty of perjury, hereby certify that on this 26 day of April, 2010, I placed an envelope containing the Original and 3<sup>rd</sup> copies of the following documents in the control of prison authorities by depositing the envelope in the institution mailbox designated for all outgoing inmate legal mail:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

addressed to the **Clerk of Court**, U.S. District Court  
\_\_\_\_\_, first-class postage  
rate.

Therefore, in accordance with the federal rules governing filing procedures and the "mailbox rule" established in Houston v. Lack, 487 U.S. 266 (1988), the foregoing documents are deemed "filed" for the purposes of this action.

Signed: Clifford Thompson Bejatmy

#1904  
Stamp 85



Clifton Thompson Bey  
#02330000  
FBI - Schuylkill, P.O. Box #759  
Minersville, Pa., 17954-0759

RECEIVED  
SCRANTON

MAY 06 2010

MARY E. D'ANDBEA, CLERK  
Per \_\_\_\_\_  
DEPUTY CLERK

02330-000

CLERK OF COURTS  
235 North Washington Ave.  
Scranton, PA - 18501  
United States

4-29-01